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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Letter dated 25 February 1998 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

The Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva requests that the attached document,* aide mémoire of the Government of the Federal Republic of Yugoslavia on the situation in Eastern Slavonia, Baranja and Western Sirmium upon the termination of the UNTAES mandate, be circulated as an official document at the fifty-fourth session of the Commission, under the provisional agenda item 10.

(signed) Mr. Miroslav MILOŠEVIĆ
Chargé d'affaires a.i.

* The attachment is circulated as received in the language of submission only.

AIDE MEMOIRE

After the termination of the mandate of UNTAES on 15 January 1998, disturbing negative developments continue in the territories of Eastern Slavonia, Baranja and Western Sirmium, resulting in an enhanced exodus of the Serbs and threatening the results achieved by the UN Mission.

The authorities of the Republic of Croatia do not show the readiness to fully comply with the Basic (Erdut) Agreement which has provided for and guaranteed the rights of the Serbs on a lasting basis, or with the obligations undertaken in the Letter of Intent of 13 January 1997. On the contrary, there still exist various forms of discrimination against the Serbs, pressures, intimidation, an anti-Serb campaign in the media, job dismissals, denial of property, educational, cultural and other rights, causing inequality and uncertainty, and leading to an increase of Serbs leaving the Region.

In the past 40 days alone, 5 000 Serbs have left the Region (for the FRY, Republika Srpska, Norway, Britain, Canada). The process of departure under pressure continues, seriously threatening to turn into ethnic cleansing and to abandon the concept of a multi-ethnic nature of the Region.

The most striking examples of these negative developments in the Region are as follows:

- **Threats and intimidation:** In the period since 15 January 1998, 175 cases of threats, physical abuse of the Serb population, including murders, have been reported.

- The murder of Ruzica Sakic, aged 69, in Sarengrad near Ilok, and two other murders of Serbs in Beli Manastir (bombings).

- A Serb, Srdjan Kovacevic from Vukovar went missing on 22 January 1998.

- Members of the Croatian Party of Rights led by their President Ante Djapic demonstrated on 15 February 1998, provocatively and openly issuing threats to Serbs, demanding their expulsion while in a column of eight buses, eight vans and 81 automobiles in Vukovar and Borovo Selo. They held a rally in Borovo Naselje where they (800 participants) sang Nazi and Ustashi songs, chanted Nazi slogans and hailed Nazi-style, while publicly threatening to drive out and execute all the Serbs in the Region. The authorities have not taken appropriate measures.

- **Ethnic cleansing:** Contrary to the Erdut Agreement, the Serbs are being forced out of their homes, which is also borne out by the following cases:

In Beli Manastir: the families of Milan Bekic, of Miroslav Buncic, Radovan Rakas, Marija Vujicic, Zoran Katic, Stojan Devic, Mileva Vukasinovic and of Djura Glavica; in Ceminac: the families of Bosiljka Milakovic and Smiljana Spasojevic; in Bilje: the families of Radmila Berta and Nikola Malinkovic; in Grabovac: the families of Milan Bjelajac and Milka Bjelajac; in Dobusevica: the family of Nikola Jorgic; in Vardarac: the family of Branka

Basta; in Secerana: the family of Milan Bosnjak; in Petlovac: the family of Branko Brujic; in Darda: the family of Tomislav Ivkovic; in Sumarina: the families of Djuro Copic and Jovan Gajic; and in Karanac: the family of Mladen Djuric. According to verified information, a total of 22 Serb families consisting of 145 members were driven out of their homes between 5 and 14 February 1998.

- **Discrimination:** On 22 January 1998, the Government of the Republic of Croatia passed the Regulation on renting out tenements owned by the Republic of Croatia in the Danube region of Croatia, which entered into force on 22 January 1998. Being in direct contravention of the Erdut Agreement, the Regulation was repealed on 12 February 1998, only upon the pressure exerted by the international community. The Regulation envisaged the restoration of tenancy rights to the persons (Croats) who acquired those rights on 31 March 1991 while the occupants (Serbs) were instructed to move out. This has brought about the departure of 5 000 Serbs from the Region before the Regulation was repealed. Even though the Regulation was withdrawn, the Law preventing the Serbs from returning to the tenements to which they had tenancy rights before 1991 still remains in force.

- This is not the first case of discriminatory decisions being adopted, bringing about the departure of Serbs and having produced adverse effect, to be withdrawn or changed - under the pressure of the international community. However, the consequences are long-lasting.

- Although Croatia enacted a legislation on convalidation, it has not passed appropriate by-laws to enable their implementation.

- **Job dismissals:** According to incomplete figures, since 15 January 1998 alone, about 400 Serb citizens have been dismissed from civil administration. They have been pressurized to undertake in writing that they are not going to seek new employment in government institutions where they worked, within the next 6 months. Further dismissals of the employees from institutions and enterprises have been announced with the explanation that about 30 000 workers are "redundant", with Serb citizens only treated as "redundant".

- **Cultural and educational autonomy** (paragraph 8 of the Letter of Intent of the Croatian Government): Agreements reached about cultural and educational autonomy have not been implemented. The Department of the Faculty of Agriculture in Darda has been closed down; the Croatian education authorities have refused to approve (and fund) the work of the Department of the Teachers' Academy in Vukovar, which trains the future teaching staff in the Serbian language, bringing into question instruction in the Serbian language in general.

- Neither has Croatia as yet determined the status of the method of funding for the Joint Council of Communities, although this was clearly stated in the Erdut Agreement (paragraph 12).

- **Amnesty:** The Amnesty Law is not being implemented. On the contrary, very frequently new indictments are issued for alleged war crimes (the Court in Bjelovar alone has instituted proceedings against 43 Serbs and Montenegrins on war crime charges), in spite of the promises made by Croatia that there would be no new indictments for war crimes without the agreement of the International Tribunal in The Hague.

- **Refugees:** The refugees from the Knin Krajina and Western Slavonia who have found refuge in Eastern Slavonia as Croatian citizens are being discriminated against. Although the Erdut Agreement guarantees equal treatment of all the population in the Region (paragraph 7), these refugees are being driven out, even though they have not been provided new homes and conditions for living in other parts of Croatia.

- **Exodus:** Such Croatian policies have resulted in a drop of the number of Serbs living in Eastern Slavonia, Baranja and Western Sirmium from 128 000 in 1997 to some 70 000, with a further trend of continued departure.

23 February 1998